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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,450	06/18/2001	David L. Halbmaier	2267.421US02	1327

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EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 04/04/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,450

Applicant(s)

HALBMAIER, DAVID L.

Examiner

Joseph Perrin, Ph.D.

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1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, 10, 14, 15 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 9, 11-13, 16-18, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. Figures 17A-C, 18, 19 and 20 are objected to under 37 CFR 1.83(a) because they fail to show any reference signs which describe structural detail. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because Figures 18 and 19 are not mentioned in the description. A proposed drawing correction, corrected drawings, or amendment to the specification, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.
4. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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5. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because of the legal phraseology "comprising" in line 2. In addition, the phrase directing the invention to a "method" is objected to because the invention is only directed to the apparatus as claimed.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

7. Claims 4, 9, 11, 12, 17 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Re claims 4 & 9, the claims are directed to a future intended use, e.g. how the sprayers move relative to a carrier, and thus, fail to provide further structural limitation to the claimed apparatus. Re claims 11 & 12, the claims are directed to a cleaning fluid, and thus, fail to provide further structural limitation to the claimed apparatus. Re claim 17 (and claim 18 dependent thereon), the claim is directed to a future intended use, e.g. maintaining higher pressure, and thus, fails to provide further structural limitation to the claimed apparatus. Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 8, 14-15 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the first and second applicators" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In each of claims 14 and 15, the phrase "configured to permit varying dwell time" is considered vague and indefinite. It is unclear what applicant intends. Does this mean varying the movement rate of fluid sprayers or varying the flow rate of fluid spray?

In claims 19-20, the term "closure" is considered vague and indefinite. It is unclear what applicant intends. Is this referring to a door, wall, valve?

Clarification and correction are required.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 5-6, 10, 14-15 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,133,340 to Ballard.

Re claims 1-3, 5-6 & 21-22, Ballard discloses an apparatus 12 with base 16 having a first aperture (bottom opening) and second aperture (top opening), a first fluidic circuit 64 with fluid spray applicators/orifices 66, a second fluid circuit 38 with fluid spray applicators/jet openings, the base "substantially" isolating the fluid circuits (see entire reference of Ballard, for instance, Figure 3 and col. 3, line 14 through col. 4, lines 43); the base having sidewalls and a rear wall (see, for instance Figure 3); the sprayers being movable (see, for instance, Figure 1); a sealable cover 18 connected to the base (see, for instance, Figure 3). It is noted that in claim 1, line 7, the phrase beginning with "wherein the first fluidic circuit circulates fluid..." appears to be directed to intended use and is given little patentable weight in the claimed apparatus.

Re claims 10, 14-15 & 19-20, Ballard discloses a base 16 defining a wash bay with cleaning assemblies 64 and 38 (see, for instance, Figure 3); the cleaning systems configured to permit varying dwell times via rotary table 52 to "insure complete cleaning of every nook and cranny of the article" (see, for instance, col. 5, line 13-21); and a (door/lid) closure 18 mounted to the base forming a seal.

### ***Allowable Subject Matter***

12. Claims 7, 13, 16 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record does not teach or suggest the claimed cleaning

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apparatus utilizing a base having a third aperture and wafer carrier door holding fixture in contact about the third aperture, a fluid leakage detector disposed in the base, an ionizer, or a mechanical/pneumatic isolating means isolating the first and second fluid circuit.

### **Conclusion**

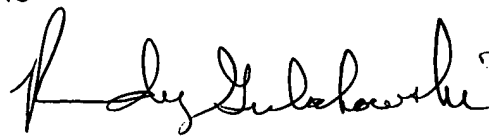
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlp  
April 3, 2003

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700